

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

TERRANCE ANDRE HARRIS	§	
VS.	§	CIVIL ACTION NO. 1:13-CV-240
DIRECTOR, TDCJ-CID	§	

MEMORANDUM OPINION REGARDING TRANSFER

Petitioner, Terrance Andre Harris, an inmate currently confined at the Larry Gist State Jail, proceeding *pro se*, brings this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 contesting his conviction and sentence.

The above-styled action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636 and the Local Rules for the Assignment of Duties to the United States Magistrate Judge for findings of fact, conclusions of law, and recommendations for the disposition of the case.

Discussion

Title 28 U.S.C. § 2254(a) allows a district court to “entertain an application for writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court only on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2254(a). A state prisoner is required to file his federal petition for writ of habeas corpus in either the district where the prisoner is incarcerated or the district where the prisoner was convicted and sentenced. 28 U.S.C. § 2241(d). Although both district courts have jurisdiction to entertain the application, “[t]he district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination.” *Id.*

Petitioner was convicted and sentenced in Galveston County, Texas, which is located in the Southern District of Texas and contests the chain of custody regarding the drug evidence used

in his criminal conviction.¹ Petitioner filed this petition in the Beaumont Division of the Eastern District of Texas where he is currently housed.

Conclusion

The Court has considered the circumstances underlying the particular facts of this case and has determined that the interests of justice would be served by transferring this petition to the division where petitioner was convicted. Therefore, the petition should be transferred to the Galveston Division of the Southern District of Texas for hearing and determination. An order transferring the case will be entered by the undersigned.

SIGNED this 7th day of May, 2013.



Zack Hawthorn
United States Magistrate Judge

¹Attached to his petition, petitioner provided a letter from the District Attorney's Office for Fort Bend County, Texas. In this letter, the District Attorney for Fort Bend County notified petitioner of an investigation involving the forensic scientist who analyzed the evidence in petitioner's underlying criminal trial. An investigation by the Texas Department of Public Safety revealed evidence of misconduct by this forensic scientist in a separate criminal matter.